

Applicant for Section 8.2 Review

Malcolm Smith Pty Limited

Applicant and Developer for RFB

Three Fratelli Pty Ltd

Proposal

Residential Flat Building Development containing
110 Units and Subdivision of One Lot into Two
Torrens Title Lots

Existing Site Details

The parent site is known as Lots 421-424 in DP1183810; being No. 13 Red Gables Road and No.'s 9, 9A & 9B Janpieter Road, Gables and is located on the southern side of the intersection of Red Gables Road and Janpieter Road. The site contains several existing dwellings, outbuildings, a farm dam, in-ground swimming pools and tanks.

The land falls from Janpieter Road in a westerly direction with a general grade in the order of 3 to 7%. The site is generally clear of significant vegetation, however, there is one small native tree on Lot 421, one small native tree on Lot 422 and two small native trees on Lot 423. There are no native trees on Lot 424.

The site is zoned:

R2 - Low Density Residential – The majority of the site.

R3 – Medium Density Residential - Small pocket of land situated in the south-western portion of the site.

R4 – High Density Residential - Land adjoining the western site boundary (**Site of RFB Development**).

A Development Consent has been issued by The Hills Shire Council under DA 799/2020/ZB which subdivides the parent site to create residential super Lots 101 to 106 over a five staged development. **Lot 105 is the site of the RFB Development.**

A copy of the proposed overall subdivision plan submitted with DA 799/2020/ZB is attached on the next slide.

RFB Proposal

The proposal under this application is to further subdivide Lot 105, proposed in DA 799/2020/ZB, and create 2 Torrens Title allotments known as Lots 601 and 602. Construction of a series of 4 x 4 storey residential flat buildings is proposed on Lots 601 and 602. An application for this proposal has been lodged with The Hills Shire Council under reference DA 1093/2020/JP.

Details of the proposed development for each allotment are as follows:

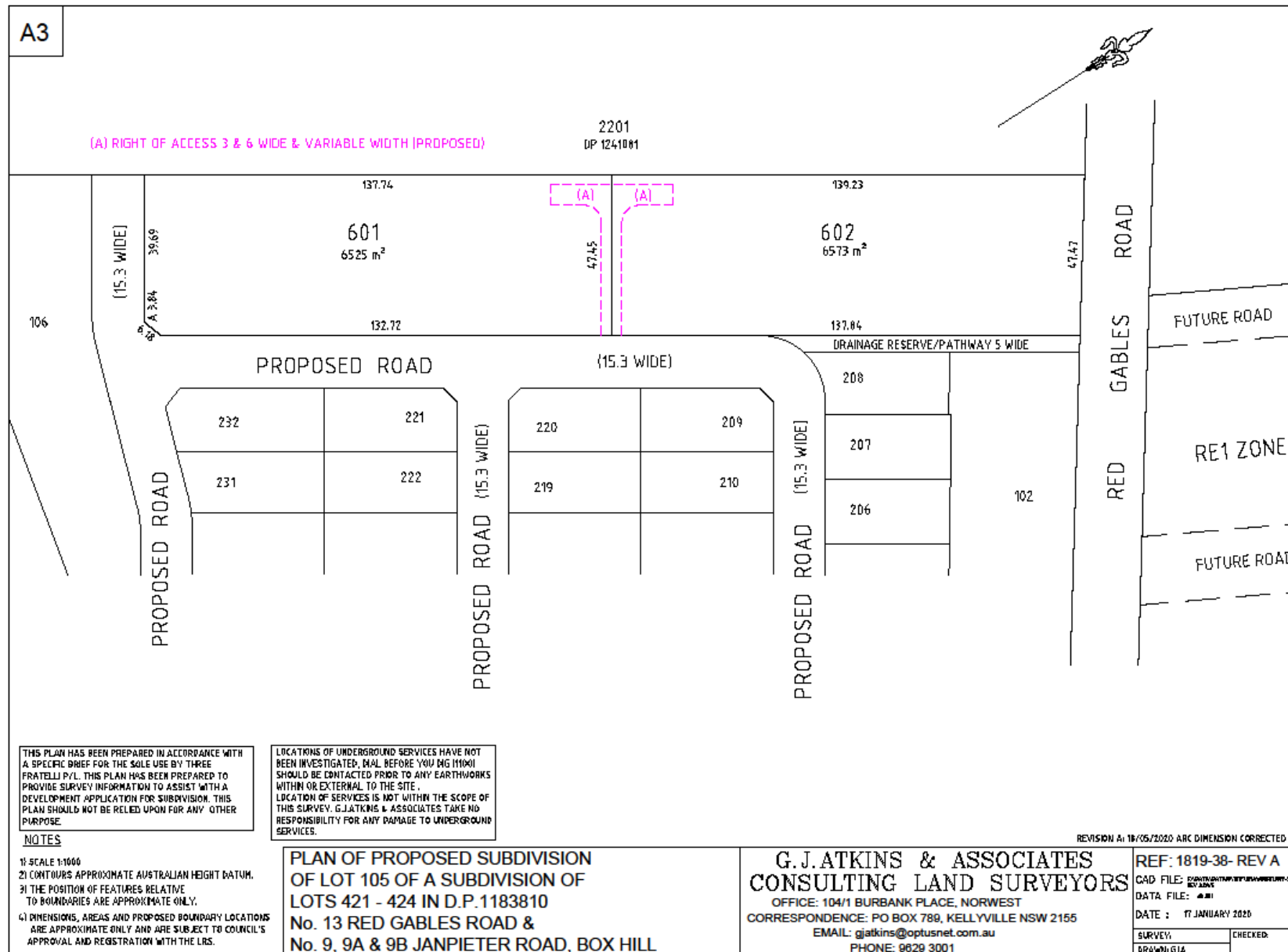
Lot 601:

- * Allotment size - 6,525m².
- * Total of 55 residential units with the following mix:
 - 6 x 1 Bedroom Unit
 - 44 x 2 Bedroom Unit
 - 5 x 3 Bedroom Unit

Lot 602:

- * Allotment size - 6,573m².
- * Total of 55 residential units with the following mix:
 - 5 x 1 Bedroom Unit
 - 44 x 2 Bedroom Unit
 - 6 x 3 Bedroom Unit

A copy of the proposed subdivision plan, site plan and street elevations submitted with DA 1093/2020/JP is attached on the next several slides.



Plan of Proposed Subdivision submitted with DA 1093/2020/JP



1:400
0 m 4 8m 20m



① East Elevation - New Road 03
1:400



③ West Elevation
1:400



② North Elevation - Red Gables Road
1:400



④ South Elevation - New Road 02
1:400

Item	Item Description	Date
1	Conceptual Design	20/10/20
2	Final Design & Construction	20/10/20
3	Final Design & Construction	20/10/20

architex
Residential Architects
Lot 105/13 Red Gables Road
Box Hill VIC 3083
Tel: 03 9495 8888
Fax: 03 9495 8889
Email: info@architex.com.au
Website: www.architex.com.au
Registered Architect
1000 Reg. No. 2012

DEVELOPMENT APPLICATION

Project:
PROPOSED RESIDENTIAL
APARTMENTS - R4 ZONE

Project Address:
Lot 105/13 Red Gables Road +
9/10/16 Jangster Road, Box Hill

Client:
Mr. J. Cioppello

Title:
Site Elevations

Drawn: POP	Scale: 1:400	Checked:
Job No: 2454	Drawing No: 16	Date: D

REFER TO SCHEDULE OF FINISHES + SAMPLE
BOARD FOR MATERIALS AND ALLOCATION

Street elevations submitted with DA 1093/2020/JP



⑤ Block A - East Elevation
1:200



⑥ Block A - North Elevation
1:200



⑦ Block A - West Elevation
1:200



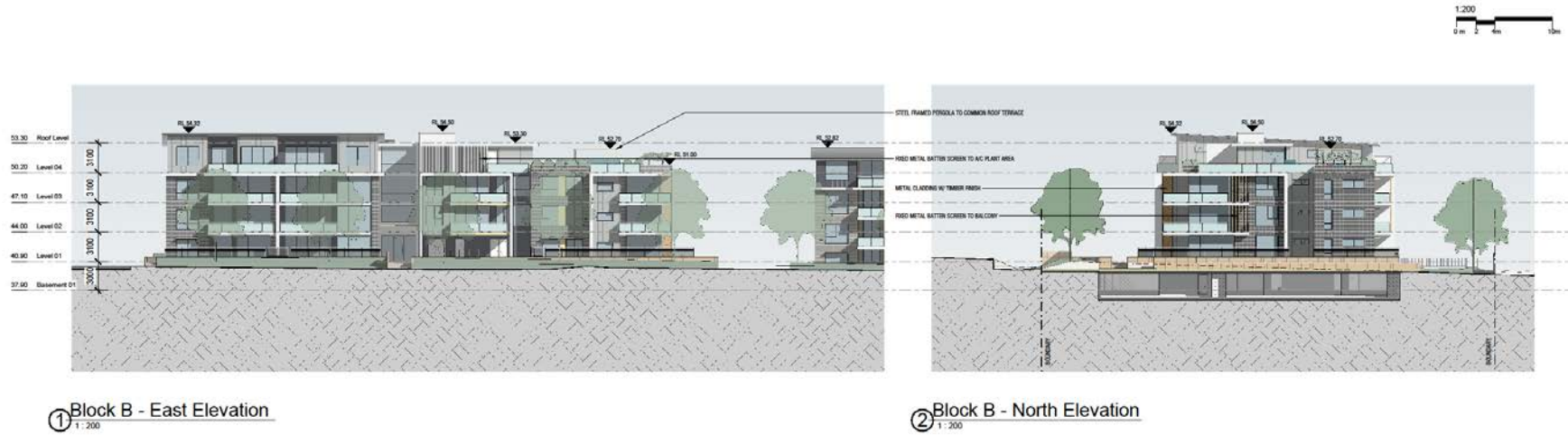
⑧ Block A - South Elevation
1:200

Item	Value	Description	Units
1	1	Architectural Services	1000000
2	2	Architectural Services	1000000
3	3	Architectural Services	1000000
4	4	Architectural Services	1000000
5	5	Architectural Services	1000000
6	6	Architectural Services	1000000
7	7	Architectural Services	1000000
8	8	Architectural Services	1000000
9	9	Architectural Services	1000000
10	10	Architectural Services	1000000

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Architectural Services
Lot 105-13 Red Gables Road
595a76 Jangwiler Road, Box Hill
VIC 3085
Tel: 03 9533 9999
Fax: 03 9533 9999
Email: info@architex.com.au
www.architex.com.au
Registered Architect
2020 Reg. No. 2021

DEVELOPMENT APPLICATION	Project	PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE		
	Project Address	Lot 105-13 Red Gables Road + 595a76 Jangwiler Road, Box Hill		
	Client	Mr. J. Cappello		
	Title	Elevations - Block A		
	Drawn	Scale	Checked	
	PDF	1:200		
	Job No	Drawing No	Date	
2454	17	D		

BUILDING HEIGHT LINES - REFER TO SITE SECTIONS + 3D BUILDING HEIGHT PLANE DIAGRAM
REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION



BUILDING HEIGHT LINES - REFER TO SITE SECTIONS
+ 3D BUILDING HEIGHT PLANE DIAGRAM

REFER TO SCHEDULE OF FINISHES + SAMPLE
BOARD FOR MATERIALS AND ALLOCATION

DEVELOPMENT APPLICATION

Item	Item Description	Qtd
1	Development Application Fee	20,000
2	Plan, Section & Certificate	20,000
3	Plan, Section & Certificate	20,000
4	Plan, Section & Certificate	20,000
5	Plan, Section & Certificate	20,000
6	Plan, Section & Certificate	20,000
7	Plan, Section & Certificate	20,000
8	Plan, Section & Certificate	20,000
9	Plan, Section & Certificate	20,000
10	Plan, Section & Certificate	20,000

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10/105-13 Red Gables Road	10/105-13 Red Gables Road
Lot 105-13 Red Gables Road	Lot 105-13 Red Gables Road
95/96 Jangpeller Road, Box Hill	95/96 Jangpeller Road, Box Hill
Client	Mr. J. Cappello
Title	Elevations - Block B
Drawn	Scale
PGP	1:200
Job No	Drawing No
2454	18
	Issue
	D

Street elevations submitted with DA 1093/2020/JP

1:200
0 m 2 4m 10m



9 Block C - East Elevation
1:200



10 Block C - North Elevation
1:200



11 Block C - West Elevation
1:200



12 Block C - South Elevation
1:200

Rev	Revision Description	Date
1	Submitted Application Stage	20/03/20
2	Final - Issue for Construction	26/03/20

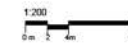
architex
 10/100 The Rocks, Sydney NSW 1500
 Tel: 02 9232 1111 Fax: 02 9232 1112
 Email: info@architex.com.au Website: www.architex.com.au
 Accredited Architect

Project		
PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE		
Project Address		
Lot 105, 13 Red Gables Road + 95a/96 Jumpstart Road, Box Hill		
Client		
Mr. J. Cappello		
Title		
Elevations - Block C		
Drawn	Scale	Checked
PDP	1:200	
Job No	Drawing No	Issue
2454	19	D

BUILDING HEIGHT LINES - REFER TO SITE SECTIONS + 3D BUILDING HEIGHT PLANE DIAGRAM
 REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION

DEVELOPMENT APPLICATION

Street elevations submitted with DA 1093/2020/JP



13 Block D - East Elevation
1:200



14 Block D - North Elevation
1:200



15 Block D - West Elevation
1:200



16 Block D - South Elevation
1:200

Name	Issue Description	Date
1	Development Application Issue	20/03/20
2	Public Review Comments	28/03/20

architex
Residential Design & Construction
Phone: 02 953 318 142 | Fax: 02 953 318 143
Email: info@architex.com.au | www.architex.com.au
Level 1, 75 Pacific Street, Parramatta NSW 2150
National Architects | RMIT Design School

Project PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE	
Project Address Lot 105- 13 Red Gables Road + 95a/96 Jangier Road, Box Hill	
Client Mr. J. Coppello	
Title Elevations - Block D	
Drawn PCP	Scale 1:200
Job No 2454	Drawing No 20
	Check D

BUILDING HEIGHT LINES - REFER TO SITE SECTIONS
+ 3D BUILDING HEIGHT PLANE DIAGRAM
REFER TO SCHEDULE OF FINISHES + SAMPLE
BOARD FOR MATERIALS AND ALLOCATION

DEVELOPMENT APPLICATION



① Section X-X
1:200



② Section Y-Y
1:200

ROOM LEGEND

- 1 Bed
- 2 Bed
- 3 Bed

Item	Item Description	Quantity
1	Architectural Services	100.00
2	Structural Services	100.00
3	Electrical Services	100.00
4	Plumbing Services	100.00
5	Other Services	100.00

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 Fax: 604.681.1112
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 Website: www.architex.com

DEVELOPMENT APPLICATION

Project:
PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE

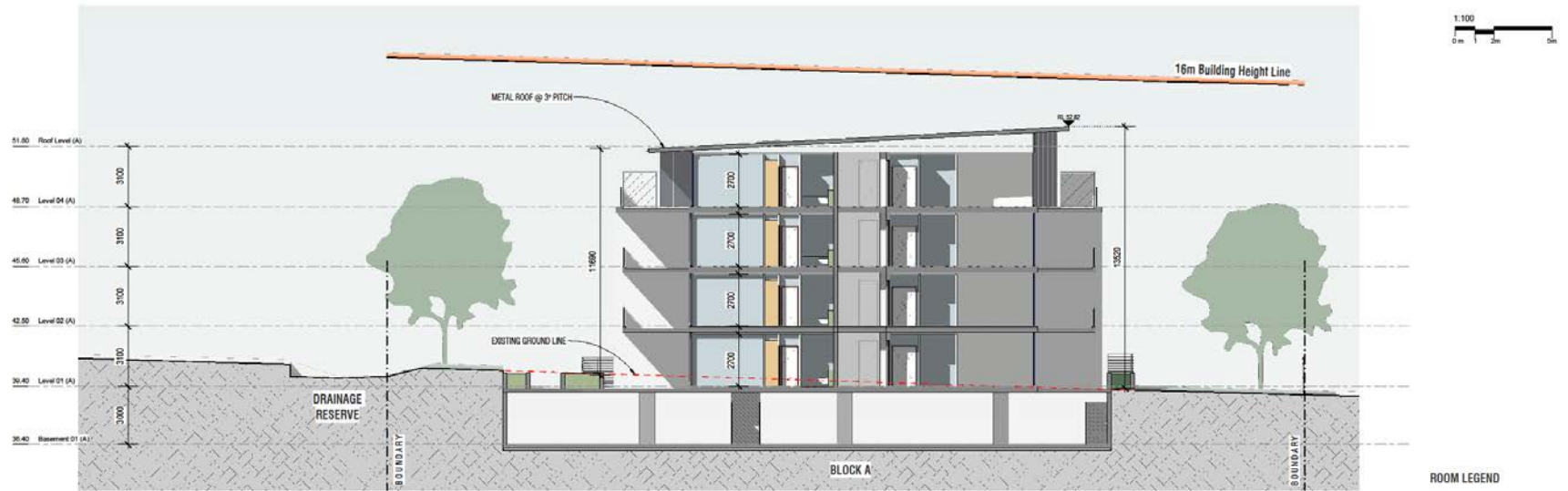
Project Address:
Lot 105, 13 Red Gables Road + 9/9a/9b Jasper Road, Box Hill

Client:
Mr. J. Cappello

Title:
Site Sections

Drawn: JPB	Scale: 1:200	Checked:
Job No: 2454	Drawing No: 21	Sheet: D

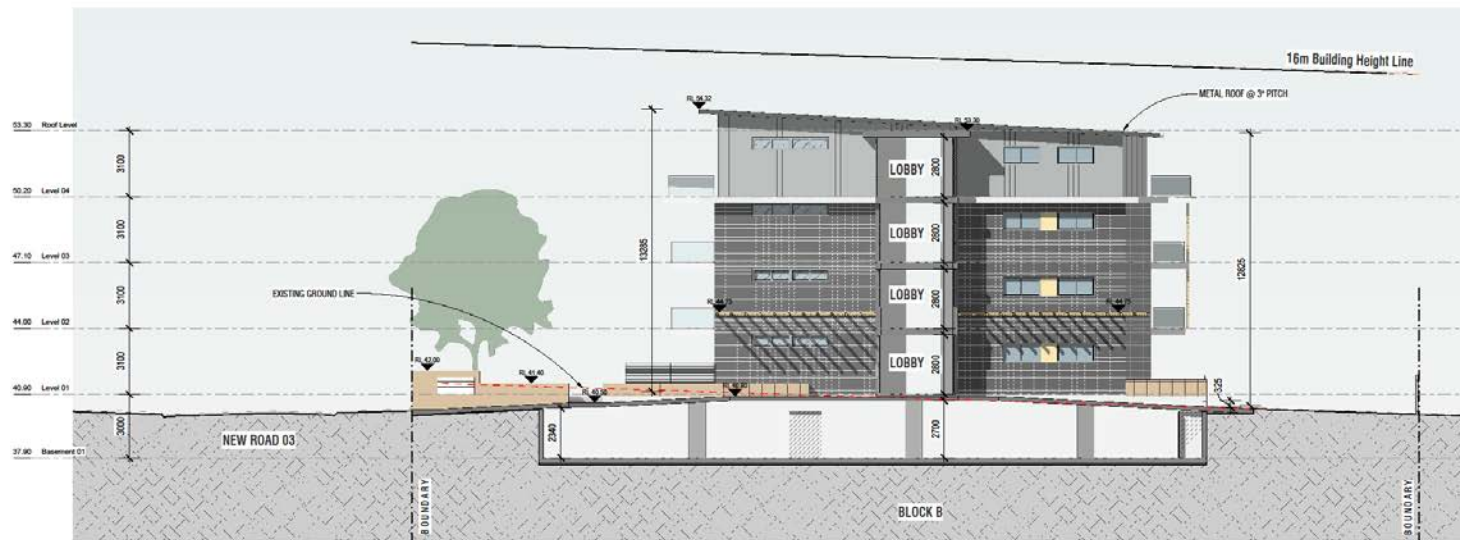
Street elevations submitted with DA 1093/2020/JP



③ Section A-A
1:100

ROOM LEGEND

- 1 Bed
- 2 Bed
- 3 Bed



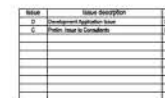
④ Section B-B
1:100

Block	Room Description	Units
1	1 Bed	10
2	2 Bed	10
3	3 Bed	10

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ROOM LEGEND



DEVELOPMENT APPLICATION

Project PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE		
Project Address Lot 105 13 Red Gables Road + 9/95/96 Juniper Road, Box 1 Hill		
Owner Mr. J. Cappello		
Title Site Sections		
Drawn FDP	Scale 1" = 50'	Checked
2454	23	D

Specialist Reports and Investigations for RFB Development



Amended
Landscape Plan



Amended Plans
R4 Zone



Amended
Subdivision Plan



Application
Summary Details



Assessor
Certificate



BASIX Certificate



Bushfire Report



Conceptual
Engineering Plans



Elevations and
Sections



Endeavour Energy
- Technical Review



Natural
Ventilation



Notification Plans



Parking & Access



Photomontages



Schedule of
Finishes



Shadow Plans



Site Plans



SEE



Tree Report



Amended Waste
Management Report



Waste
Management Plan



Wastewater
Report

Section 8.2 Review - Documents



Council Refusal
Letter



Covering Letter



Sydney Water
Letter



Secretary's
Certificate



Consent 799/2020/
ZB

Community Consultation and Exhibition

The proposal was first advertised on 19th February, 2020 through the neighbour notification process to over 50 properties in proximity of the proposed development site. The closing notification date was 11th March, 2020.

The proposal was re-advertised on 7th July, 2020 upon submission of amended documentation to the same properties notified previously. The closing notification date was 28th July, 2020.

Issues for Further Consideration

The applicant requests consideration of the Section 8.2 Review of Determination lodged on 22nd November, 2021 under PAN-170445 in respect of Council's refusal of DA 1093/2020/JP dated 24 November, 2020, the grounds of refusal being:

1. The Planning Secretary has not certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the proposed lots. (Clause 6.2 of The Hills Local Environmental Plan 2019 and Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
2. The consent authority is not satisfied that public utility infrastructure (the disposal and management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. (Clause 6.3 of The Hills Local Environmental Plan 2019 and Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979).
3. The proposal relies on a facilitating subdivision development application, to create the allotment and provide vehicular access, which has not been determined. (Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979).
4. The proposal is not in the public interest given the outstanding concern regarding the provision of sewer infrastructure for the development. (Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979).

The Applicant's comments on each item are below:

1. Satisfactory arrangements are in place for the provision of State Public Infrastructure. A copy of the Secretary's Certificate issued on 9th May, 2021 forms part of the attachments.

Issues for Further Consideration

2. Negotiations with Sydney Water for provision of sewerage services to the development site are well advanced. This is based on the Developer installing a sewerage pumping station and rising main facilities to service the site. The letter from Sydney Water dated 15th November, 2021 confirms that wastewater services can be made available to the proposed development site. The letter addresses Item 2 in respect of satisfying Clause 6.3 of The Hills Local Environmental Plan 2019 and Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979. The Sydney Water letter forms part of the attachments.

3. The facilitating subdivision under DA 799/2020/ZB was granted Development Consent (Deferred Commencement) on 25th October, 2021. The Applicant believes this approval now satisfies Item 3 of the Refusal Letter. The Development Consent for DA 799/2020/ZB forms part of the attachments.

4. In the Applicant's opinion, the public interest concerns regarding the outstanding provision of sewerage services have been addressed, as identified in Item 2 above.